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21906 7590 03/15/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER VAN HANDEL, MICHAEL P	
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If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 12/12/2006. Claims 1-7, 9, 10, 12-18, 20-23, 25-27, 29-40 are pending. Claims 1, 2, 4, 5, 7, 9, 10, 13, 14, 17, 18, 20-23, 25-27, 29-37 are amended. Claims 8, 11, 19, 24, 28 are canceled. Claims 38-40 are new. The examiner hereby withdraws the obviousness-type double patenting rejections of claims 1-6, 8-11, 13-17, 19-22, 24-27, and 29-32 in light of the Terminal Disclaimer filed 12/12/2006.

### ***Response to Arguments***

1. Applicant's arguments regarding claims 1, 13, 32, and 40, filed 12/12/2006, have been fully considered, but they are not persuasive.
2. Applicant's arguments, see page 12, filed 12/12/2006, with respect to the rejections of claims 2, 3, 14, 15, 25-27, and 29-31 under U.S.C. 103(a) have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of a reinterpretation of the teachings of Shoff et al.

Regarding claims 1, 13, 32, and 40, the applicant argues that Shoff nowhere teaches accessing a storage database of an entertainment system that includes subsidiary data and having the multiple portions that each include a piece of the subsidiary data and an identifier to obtain the subsidiary data from the storage database for display. The examiner respectfully disagrees. Shoff et al. discloses an interactive entertainment system that enables presentation of supplemental interactive content along side traditional broadcast video programs (see Abstract).

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Supplemental content is retrieved from an enhanced content server 52 at the headend 22 or a third party independent service provider 80 (Figs. 2, 4). The examiner acknowledges the applicant's argument that Shoff nowhere teaches that a storage database is present in an entertainment system; however, the examiner fails to find any language in claims 1, 13, 32, or 40 requiring that the storage database be included within a local entertainment system, as the claim language recites "a storage database *of the entertainment system*" (italicized for emphasis). Shoff et al. further discloses that the supplemental data defines timing information to synchronize the presentation of the supplemental content with the video content program (col. 10, l. 7-17, 34-58 & col. 11, l. 48-65). When a user tunes to a channel, the computing unit checks the currently watched channel and time slot (primary content identifiers) in the EPG data structure 48 to determine if the program has interactive content and how to retrieve it (col. 8, l. 62-67 & col. 9, l. 1-8, 20-24). Once the content is located, the supplemental content is displayed in synch with the content program according to timing information (identifier indicating the primary content data associated with the subsidiary data). Since different portions of supplemental data are displayed according to the running time of the program and the different portions are synched with the content program according to timing information, the examiner maintains that Shoff et al. teaches "a storage database having a plurality of portions each including a piece of the subsidiary data and an identifier that indicates the primary content data associated with the subsidiary data," as currently claimed.

Further regarding claims **1**, **13**, **32**, and **40**, the applicant further argues that any subsidiary data in Shoff et al. is obtained from an external source. The examiner respectfully disagrees. The examiner first notes that the claim language fails to necessitate that the subsidiary

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data be retrieved from an internal source (see above). Additionally, Shoff et al. discloses that the interactive content can be supplied locally from a storage medium, such as a CD-ROM (col. 7, l. 61-67; col. 8, l. 1-3, 52-55; & col. 9, l. 23-25). Thus, the examiner maintains that Shoff et al. teaches retrieving subsidiary data from a local source.

### ***Claim Objections***

1. Claims **1, 13, and 32** are objected to because of the following informalities:

Referring to claims **1, 13, and 32**, the examiner notes that the phrase “the identifier included in the primary content data” lacks antecedent basis. The examiner notes that the claims previously state that each portion includes “... an identifier that indicates the primary content data associated with the subsidiary data;” however, the examiner fails to find a previous recitation of an identifier *included* in the primary content data.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-7, 9, 10, 12, 13, 16-18, 20-23, 25-27, 29-33, 36, and 38-40** are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al. “Shoff” (U.S. 6,240,555).

Regarding Claim 1, Shoff discloses a method comprising: receiving primary content data at an entertainment system (24 – figure 2) from a primary external source (42 – figure 2) (Col. 4, line 62 – Col. 5, line 5).

Shoff teaches, displaying the primary content data (Col. 4, lines 22-34).

Shoff teaches, accessing a storage database of the entertainment system including subsidiary data independent of and complementary to the primary content data, the storage database having a plurality of portions each including a piece of the subsidiary data and an identifier that indicates the primary content data associated with the subsidiary data, using the identifier included in the primary content data to obtain the piece of the subsidiary data associated with the primary content data (the examiner notes that supplemental content is displayed according to a display layout that is dynamically changed in synch with the program according to timing information or frame count)(col. 7, l. 61-67; col. 8, l. 1-3; & col. 10, l. 7-17, 34-43, 50-58).

Shoff teaches, displaying the associated subsidiary data (figure 8c) (Col. 9, lines 27-40).

As for Claim 2, Shoff teaches, further comprising:

- receiving the subsidiary data corresponding to a program of the primary content data prior to beginning receipt of the program (the examiner notes that it is inherent that the user receive the interactive CD-ROM from the content developer prior to receipt of the program)(col. 7, l. 61-67); and

- storing the subsidiary data corresponding to the program locally in the storage database (col. 8, l. 52-55).

As for Claim 3, Shoff teaches, wherein obtaining subsidiary data comprises obtaining the subsidiary data from a local nonvolatile storage medium (col. 7, l. 61-67).

As for Claim 4, Shoff teaches, further comprising: determining an elapsed time of a program of the primary content data; identifying a portion of the subsidiary data from the plurality of portions which corresponds to the program; identifying a piece of the portion of the subsidiary data which corresponds to the elapsed time of the program; and providing the piece concurrently with the primary content data (Col. 9, line 66; Col. 10, lines 1-17, 34-58).

As for Claim 5, Shoff teaches, wherein identifying a portion of the subsidiary data comprises accessing the storage database which stores a plurality of portions of the subsidiary data (col. 7, l. 65-67).

As for Claim 6, Shoff teaches, wherein the primary content data comprises data of at least one of a television broadcast, a digital satellite broadcast, an Internet broadcast, and an audio-only broadcast (Col. 4, line 62 – Col. 5, line 5).

As for Claim 7, Shoff teaches, further comprising determining the identity of the primary content data currently displayed via reading an identifier associated with the primary content data (col. 5, l. 61-67; col. 6, l. 1-28; col. 8, l. 62-67; & col. 9, l. 1-5).

As for Claim 9, Shoff teaches, further comprising retrieving the subsidiary data from a remote server (col. 5, l. 12-23 & col. 7, l. 26-50).

As for Claim 10, Shoff teaches, wherein the subsidiary data comprises at least one of reference information regarding a program of the primary content data, biographical information regarding actors, guests or participants of a program of the primary content data (Col. 5, lines 16-23).

As for Claim 12, Shoff teaches, wherein displaying the subsidiary data comprises displaying the subsidiary data synchronous to the primary content data (Col. 10, lines 8-17).

Regarding Claim 13, Shoff discloses a machine-readable medium having stored thereon instructions which, when executed by a machine, cause the machine to perform operations



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comprising: receiving primary content data at an entertainment system (24 – figure 2) from a primary external source (42 – figure 2) (Col. 4, line 62 – Col. 5, line 5).

Shoff teaches, displaying the primary content data (Col. 4, lines 12-34).

Shoff teaches, determining whether subsidiary data supplementing the primary content data exists by accessing a storage database of the entertainment system including subsidiary data independent of and complementary to the primary content data, the storage database having a plurality of portions each including a piece of the subsidiary data and an identifier that indicates the primary content data associated with the subsidiary data, using the identifier included in the primary content data to obtain the piece of the subsidiary data associated with the primary content data (the examiner notes that supplemental content is displayed according to a display layout that is dynamically changed in synch with the program according to timing information or frame count)(col. 7, l. 61-67; col. 8, l. 1-3; & col. 10, l. 7-17, 34-43, 50-58); and

Shoff teaches, displaying the associated subsidiary data on a display device (figure 8c) (Col. 9, line 27-29).

Considering Claim 14, the claimed elements of wherein the instructions further comprise instructions causing the machine to perform operations comprising: receiving the subsidiary data corresponding to a program of the primary content data prior to receipt of the program; and storing the subsidiary data corresponding to the program locally, corresponds with subject matter mentioned above in the rejection of claim 2, and is likewise treated.

Considering Claim 15, the claimed elements wherein the instructions for obtaining subsidiary data comprises instructions causing the machine to perform operations comprising obtaining the subsidiary data from a local nonvolatile storage medium, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

As for Claim 16, Shoff teaches, wherein the instructions further comprise instructions causing the machine to perform operations comprising: determining an elapsed time of a program of the primary content data; identifying a portion of the subsidiary data which corresponds to the program; identifying a piece of the portion of the subsidiary data which corresponds to the elapsed time of a program; and providing the piece concurrently with the primary content data (col. 9, l. 66-67 & col. 10, l. 1-17, 34-58).

As for Claim 17, Shoff teaches, wherein the instructions for identifying a portion of the subsidiary data comprise instructions causing the machine to perform operations comprising accessing the storage (col. 5, l. 12-23; col. 7, l. 61-67; & col. 8, l. 1-3).

As for Claim 18, Shoff teaches, wherein the instructions further comprise instructions causing the machine to perform operations comprising reading an identifier associated with the primary content data to identify the primary content data (col. 8, l. 62-67 & col. 9, l. 1-5).

As for Claim **20**, Shoff teaches, wherein the instructions further comprise instructions causing the machine to perform operations comprising retrieving the subsidiary data from a remote server (Col. 5, lines 12-23).

As for Claim **21**, Shoff teaches, wherein the subsidiary data comprises at least one of reference information regarding a program of the primary content data, biographical information regarding the actors, guests or participants of a program of the primary content data (Col. 5, line 16-23).

As for Claim **22**, Shoff teaches, wherein the instructions for determining the identity of the primary content data are performed in response to a change in the primary content data currently displayed (Col. 8, line 62 – Col. 9, line 8).

As for Claim **23**, Shoff teaches, wherein the instructions for displaying the associated subsidiary data comprise instructions causing the machine to perform operations comprising displaying the subsidiary data synchronous to the primary content data (Col. 10, line 8-17).

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Considering Claim **25**, the claimed elements of wherein the instructions further comprise instructions causing the machine to perform operations comprising: receiving the subsidiary data corresponding to a program of the primary content data prior to receipt of the program; and storing the subsidiary data corresponding to the program locally, corresponds with subject matter mentioned above in the rejection of claim 2, and is likewise treated.

Considering Claim **26**, the claimed elements wherein the instructions for obtaining subsidiary data comprises instructions causing the machine to perform operations comprising obtaining the subsidiary data from a local nonvolatile storage medium, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

Considering Claim **27**, the claimed elements wherein the second controller is further operative to determine an elapsed time of a program of the primary content data; identify a portion of the subsidiary data in the storage device which corresponds to the program; retrieve a piece of the portion of the subsidiary data which corresponds to the elapsed time of the program from the storage device; and provide the retrieved piece to the display device synchronous to the elapsed time of the program, corresponds with subject matter mentioned above in the rejection of claim 16, and is likewise treated.

As for Claim 29, Shoff teaches, wherein the storage database includes an identification of a remote server from which subsidiary data may be retrieved and wherein the second controller is operative to request retrieval of the subsidiary data from the identified remote server (Col. 5, line 12-23).

As for Claim 30, Shoff teaches, wherein the subsidiary data comprises at least one of reference information regarding a program of the primary content data, biographical information regarding the actors, guests or participants of a program of the primary content data (Col. 5, line 16-23).

As for Claim 31, Shoff teaches, wherein the second controller is operative to determine the identity of the primary content data in response to a change in the primary content data currently displayed (Col. 8, line 62 – Col. 9, line 8).

Regarding Claim 32, Shoff teaches, an entertainment system (62 – figure 4 and 90 – figure 5) comprising: a data receiver (98 – figure 5) to receive primary content data from a first external source (Col. 8, lines 10-14).

Shoff teaches, a storage database to store subsidiary data independent of and complementary to the primary content data, the storage database including a plurality of portions each including an identifier that indicates associated primary content data and a piece of the

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subsidiary data (the examiner notes that supplemental content is displayed according to a display layout that is dynamically changed in synch with the program according to timing information or frame count)(col. 7, l. 61-67; col. 8, l. 1-3; & col. 10, l. 7-17, 34-43, 50-58); and

Shoff teaches, a controller to determine whether subsidiary data corresponding to the currently displayed primary content data exists in the storage database using the identifier included in the primary content data; and (Col. 9, lines 20-29).

Shoff teaches, to obtain the subsidiary data for display synchronous to the primary content data (Col. 9, lines 20-29 and Col. 10, lines 1-17, 34-43).

As for Claim 33, Shoff discloses, a second controller to combine the primary content data with the subsidiary data and forward the combined data to a display (Computing unit 62 uses the received digital data in order to synchronize the supplemental data with the primary program so computing unit 62 must have video/audio logic)(col. 9, l. 66-67 & col. 10, l. 1-17, 34-58).

As for Claim 36, Shoff teaches, wherein the controller is to allow a user to allow a user to access a programming guide (Col. 8, lines 38-44).

As for Claim 38, Shoff teaches, further comprising obtaining the associated subsidiary data based on a second identifier (supplemental content target 58) associated with the primary

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content data (the examiner notes that the supplemental content is associated with the program in the EPG)(Fig. 3).

As for Claim 39, Shoff teaches, further comprising obtaining the associated subsidiary data based on a time period stored in the portion of the storage database, the time period identifying a given time in the primary content data (col. 7, l. 61-67; col. 8, l. 1-3; & col. 10, l. 7-17).

As for Claim 40, Shoff discloses an entertainment system comprising:

- a first data receiver 98 to receive primary content data from a primary external source (col. 4, l. 62-67; col. 5, l. 1-5; & Fig. 5);
- a storage device to store subsidiary data independent of and complementary to the primary content data (col. 8, l. 52-55);
- a first controller 92 to receive the primary content data from the first data receiver and associated subsidiary data from a second controller and provide the primary content data and the associated subsidiary data to a display (col. 8, l. 62-67; col. 9, l. 1-40; col. 10, l. 1-17, 34-60; & Fig. 8a-8c); and
- the second controller coupled between the first controller and the storage device to obtain and forward the associated subsidiary data to the first controller,

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wherein the second controller is to obtain the associated subsidiary data from the storage device based on an identifier included with the primary content data (col. 7, l. 65-66 & col. 9, l. 20-26).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Yee (U.S. 5,010,499).

As for Claim 34, Shoff is silent on the entertainment system of claim 32, wherein the controller is to provide received subsidiary data to the storage database.

In an analogous art, Yee discloses the apparatus (10 – figure 1) of claim 32 further comprising reception logic (12 – figure 1) to provide received subsidiary data to the storage/retrieval logic (16,18 – figure 1) (Col. 4, lines 4-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff with the teachings of Yee in order to include reception logic to provide received subsidiary data to the storage/retrieval logic for the benefit of extracting the digital data from the video signal and storing the digital data for later use by the viewer (Yee – Background).



As for Claim 35, Shoff is silent of disclosing the entertainment system of claim 32 wherein the controller is to allow a user to interact with the storage database.

In an analogous art, Yee discloses the apparatus (10 – figure 1) of claim 32 further comprising user interface logic to allow a user to interact with the storage/retrieval logic (Col. 5, lines 7-10 and lines 30-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff with the teachings of Yee in order to include user interface logic to allow a user to interact with the storage/retrieval logic for the benefit of extracting the digital data from the video signal and storing the digital data for later use by the viewer (Yee – Background).

As for Claim 37, Shoff is silent on disclosing the entertainment system of claim 32 wherein the controller is to allow a user to toggle enablement of the subsidiary data.

In an analogous art, Yee teaches, the apparatus (10 – figure 1) of claim 32 wherein the programming database control logic allows a user to toggle enablement of subsidiary data (Col. 5, lines 7-10). Yee discloses the viewer can use remote control 26 to toggle the display of the digital data or “subsidiary data”. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff with the teachings of Yee in order to facilitate the programming database control logic allows a user to toggle enablement of subsidiary data for the benefit of extracting the digital data from the video signal and storing the digital data for later use by the viewer (Yee – Background).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamaguchi et al. discloses a television signal receiving apparatus which can read program information relevant to a television program from an optical disk medium.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

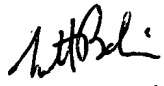
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
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